

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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CALEB ANDERSON )

Plaintiff, )

v. )

PATHWAY, INC., a corporation; )

RENEE PEYRGENE, )

HERMAN DANIELS, )

ALFREDO HERRERA, )

GEORGE THURSTON-DIAZ, and )

JUSTIN KNUTSON, individuals. )

Defendants. )

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Case No.: 1:22-cv-00028-RAH-JTA

**NOTICE OF REMOVAL**

Defendants **Pathway, Inc., Renee Peyrgene, Herman Daniels, Alfredo Herrera, George Thurston-Diaz, and Justin Knutson** (collectively “Defendants”), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully give notice of the removal of this action from the Circuit Court of Coffee County, Alabama, Enterprise Division to the United States District Court for the Middle District of Alabama, Southern Division. As addressed below, federal question jurisdiction exists in this action pursuant to 28 U.S.C. § 1331. In support of this removal, Defendants state as follows:

## INTRODUCTION

1. Plaintiff **Caleb Anderson** initiated this action on December 15, 2021, by filing a Complaint against Defendants in the Circuit Court of Coffee County, Alabama, Enterprise Division, Case No. 71-CV-2021-900130. (Compl., attached hereto as Exhibit “A”). Plaintiff’s claims arise from alleged violations of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17. *Id.* Plaintiff also asserts claims for fraud, abuse, and defamation. *Id.*

2. Defendants, separately and severally, deny each and every material allegation of wrongdoing in the Complaint.

3. Removal of this case is proper because: (1) this notice is filed within thirty (30) days of service of process on the Defendants; and (2) the Plaintiff invoked federal question jurisdiction when he pled “a colorable claim arising under the Constitution or laws of the United States.” *Hakki v. Sec’y, Dept. of Veterans Aff.*, 7 F.4th 1012, 1031 (11th Cir. 2021) (citations omitted).

4. Venue is also proper in this Court because the Southern Division of the Middle District of Alabama encompasses the Enterprise Division of Coffee County, Alabama where the state court case was filed. *See* 28 U.S.C. § 1441(a).

## **GROUND FOR REMOVAL**

### **A. The Removal is Timely.**

5. The “notice of removal of a civil action ... shall be filed within 30 days after the receipt by the Defendant[s], through service or otherwise, of a copy of the initial pleading....” 28 U.S.C. § 1446(b).

6. Service of the Complaint was perfected on the following days:

<u>Defendant</u>	<u>Date of Service</u>
Pathway, Inc.	December 16, 2021
Renee Peyrgene	December 16, 2021
Herman Daniels	December 16, 2021
Justin Knutson	December 16, 2021
George Thurston-Diaz	December 19, 2021
Alfredo Herrera	December 21, 2021

7. This Notice of Removal is filed within thirty (30) days of service of the Complaint on each of the Defendants.

### **B. The Cause of Action Arises Under Federal Law.**

8. Plaintiff’s Complaint against the Defendants arises under 28 U.S.C. §§ 2000e to 2000e-17, which specifically alleges employment discrimination based on race, religion, and national origin, as well as retaliation, unequal terms and conditions of employment, hostile work environment, and termination, invoking federal question subject-matter jurisdiction. *See* Ex. A.

9. Defendants respectfully highlight Plaintiff may have mistakenly filed his Complaint for Employment Discrimination in state court rather than the United States District Court as noted in the header of the Complaint. *See* Ex. A.

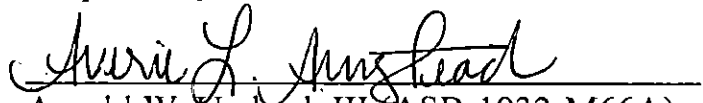
### **CONCLUSION**

10. The prerequisites for removal under 28 U.S.C. § 1441 have been met, and a copy of this Notice of Removal is being served on Plaintiff and filed with the Circuit Court of Coffee County, Alabama, Enterprise Division. (Copies of all pleadings, process and the entire Circuit Court file are attached hereto as Exhibit “B”).

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully desiring to remove this case to the United States District Court for the Middle District of Alabama, Southern Division, being the district of said court for the county in which said action is pending, prays that the filing of this Notice of Removal with the Clerk of the Circuit Court of Coffee County, Alabama, Enterprise Division shall affect a removal of said suit to this Court.

Done this 14th day of January 2022.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Arnold W. Umbach III", written over a horizontal line.

Arnold W. Umbach III (ASB-1932-M66A)

Averie L. Armstead (ASB-3698-D00R)

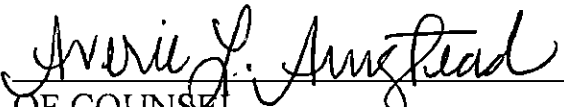
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2022, I filed a copy of the foregoing with the Clerk of Court and served a copy of same on the following *pro se* party via U.S. Mail, postage prepaid:

Caleb Anderson, *pro se*  
110 Owens Street  
Enterprise, AL 36330

  
OF COUNSEL